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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 001475

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SUBJECT: KIRKUK: ARTICLE 23 COMMITTEE UNABLE TO FIND AGREEMENT IN KIRKUK

Classified By: PRT Kirkuk Leader Howard Keegan; reasons 1.4b and d

This is a PRT Kirkuk reporting cable.

¶1. (C) SUMMARY: On May 24, the Article 23 Committee (A23C) completed its last meeting in Kirkuk before heading to Baghdad. The A23C is no closer to an agreement on the issues raised under Article 23 of the Provincial Elections Law than it was when it was formed in November 2008. The A23C meetings in Kirkuk were characterized by a lack of organization and structure, which impeded serious negotiation and dialogue. While some A23C members may be unwilling to request another extension, and one would be unlikely to lead to agreement, the committee's continued existence could help reduce political tensions. If, on the other hand, the Kirkuk elections issue is passed back to the CoR, we expect some Arab and Turkomen representatives to attempt to pass a national elections law that sets quotas for the Kirkuk Provincial Council (PC), an idea the Kurds will vehemently oppose. END SUMMARY.

¶2. (U) On May 24, the A23C completed its last meeting in Kirkuk before the 31 May deadline. The committee's recommendations on issues including power-sharing, "trespassers" (a reference to post-2003 Kurdish migrants, some of whom were returning victims of Arabization), and voter registration are due to be presented to the Iraqi Council of Representatives (CoR) in less than one week. The A23C has been unable to find consensus on any issue of significance. Only three of the seven A23C members attended the May 24 meeting in Kirkuk, while one of the missing members (Omar Jabouri) instead held a press conference in the same building just a few doors away. The lack of attendance at the last meeting, and the decision not to hold any further meetings until the day before the deadline, attests to the frustration felt by committee members over their lack of progress.

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A23C Characterized by Lack of Organization and Structure  
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¶3. (C) Over the last three and one-half months, the A23C generally held three meetings per week (Sunday - Tuesday). PRT Kirkuk had an observer sitting in all the A23C meetings that took place in Kirkuk. Additional attendees usually included the A23C technical advisors and representatives from the United Nations Assistance Mission for Iraq (UNAMI). The only active participants in the meetings were the A23C members themselves. All other attendees acted almost exclusively as silent observers.

¶4. (C) The A23C meetings in Kirkuk were disorganized, unstructured and unprofessional. The PRT would often show up at the Governor's conference room at the appointed meeting time only to find one A23C member present (usually Yonadum Kanna - the lone Christian). As the rest of the committee trickled in, sometimes up to two hours late, they would often

grouse about the missing committee members who were still socializing in other offices of the KGB. Early on, the A23C decided to have a rotating Chairman for each of the meetings.

The A23C never established an official Chairman schedule; instead the first few minutes of each meeting were spent choosing a Chairman, seemingly at random. The Chairman's job, although never officially defined, seemed to consist mainly of recognizing speakers during the meeting.

¶ 15. (C) A23C meetings rarely began with an agenda, and when one was decided upon it would typically be very general, such as "power-sharing." PRT never saw an official agenda, and Qas "power-sharing." PRT never saw an official agenda, and the lack of one seemed a significant contributing factor in the committee's inability to have useful negotiations and dialogue. Once an agenda and a chairman were decided upon, the A23C meetings usually consisted of dueling speeches punctuated by occasional emotional outbursts and arguments. The Chairman ran the meeting by recognizing individual speakers, who proceeded to give 5-10 minute speeches that may or may not have had anything to do with the chosen agenda. Speakers often gave speeches on completely different topics from the preceding speaker, preventing any sense of continuity during the meeting.

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Arabs and Turkomen versus the Kurds  
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¶ 16. (C) Although the A23C members should have conducted their first meetings in November 2008, they did not begin in Kirkuk until three months later. The leaders from each of the three main ethnic blocs quickly emerged: Khalid Shwany for the

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Kurds, Mohammed Tameem for the Arabs, and Saladin Ergic for the Turkomen. Each ethnic bloc presented a unified voice in A23C meetings; individual members of the same bloc never publicly disagreed with one another. A loose alliance seemed to form immediately between the Turkomen and Arab A23C members. This unstated alliance held through all the meetings in Kirkuk; PRT never observed a significant difference of opinion between the Turkomen and Arab A23C members. Meanwhile, the lone Christian A23C member, Yonadum Kanna, tended to play a neutral role while occasionally siding with the Kurds on contentious issues such as the hiring of teachers from the Kurdistan Regional Government (KRG).

¶ 17. (C) The two most vociferous A23C members turned out to be Mohammed Tameem of the Arab Bloc and Khalid Shwany of the Kurdish bloc. One or both of these members tended to either instigate or prolong major arguments during the meetings. At times, meetings would devolve into a series of personal attacks between these two. In one particular meeting on 30 March, a verbal exchange between Mohammed and Khalid over information-gathering became so intense that the A23C had to take a recess while they left the room for 15 minutes to work out their differences in private. While A23C meetings were often very contentious, before and after meetings all A23C members seemed to get along well and often joked and laughed with one another.

¶ 18. (C) The Kurdish bloc appeared to enter the A23C meetings in February with a hard-line approach to any negotiations. For example, Khalid Shwany, as the main Kurdish spokesman, opposed any groups within the A23C soliciting directorates for information without the express permission of the entire A23C. This caused much consternation, since the Kurdish bloc seemed to have reams of information at its fingertips each meeting. Whenever another bloc would attempt to gather population or ethnicity statistics from a directorate, Khalid would immediately object and call their information gathering "illegal." In one meeting on 31 March, Arab A23C member Omar Jabouri attempted to read a draft letter to the Ministry of Trade asking for statistics for the A23C. Khalid objected to

the letter several times, interrupting the reading but never explaining his objections. These actions and others like it resulted in accusations that the Kurds were obstructing negotiations. In private meetings with the PRT, both Turkomen and Arab A23C members accused Khalid Shwany of outright obstruction, and complained that his antics during meetings prevented any useful dialogue or progress.

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Kurds Try to Make Deal in Final Week, but Too Late for Arabs and Turkomen  
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¶9. (C) When the A23C returned from its UN-sponsored trip to Northern Ireland (May 4-9), attitudes on the committee seemed to dramatically reverse. The Kurds in general and Khalid Shwany in particular took a much more conciliatory tone during A23C meetings. Their main issue of concern over the final weeks was the transfer of 7000 Kurdish teachers from the KRG to Kirkuk as part of a power-sharing agreement. Both Khalid Shwany and Sarteep Kakayi made clear their interest in giving up high-level government positions in the province in exchange for the hiring of these teachers. For the first time, the Kurds were trying to negotiate. Khalid often backed down from arguments with Mohammed Tameem and Saladin Ergic, even when provoked - unheard of for Khalid over the Ergic, even when provoked - unheard of for Khalid over the first few months. When it became apparent that the Arabs and Turkomen would not agree to a guarantee for these teachers, the Kurds resorted to media statements accusing the Arabs of obstructionism.

¶10. (C) The Arabs and Turkomen, on the other hand, came back from Northern Ireland more unified than ever. Arab and Turkomen speakers often complemented each other during their speeches, as if the two blocs had coordinated their positions before the meetings. There was a feeling in the A23C meetings that they did not need to give in to any Kurdish demands, as if they believed the Kurds were negotiating from a position of weakness. The Arab and Turkomen blocs refused to even discuss the Kurdish teachers unless the Kurds gave guarantees on trespassers and ID registration. In the final meeting in Kirkuk on May 24, Mohammed Tameem almost seemed eager to bring Article 23 back before the CoR. At one point, he smiled and told Khalid that the President can only veto an elections law twice.

¶11. (C) Several influential Kirkuki Arab leaders, including Arab Unity Bloc Chairman Abu Saddam and Deputy Governor Rakan Saeed, told the PRT that they expect no extension for the

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A23C, and that the CoR would implement a special elections law in Kirkuk along the lines of Article 24. This also seems to be the opinion of Turkomen leaders in the province. Arab leaders in Kirkuk are making regular trips down to Baghdad, where they are holding meetings with Shi'a parties - ostensibly to discuss this very topic.

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Extension Unlikely to Achieve Consensus, but May Contain Political Passions  
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¶12. (C) Over the last four meetings in Kirkuk, the A23C never formally discussed requesting a second extension from the CoR. The issue was raised a few times in the last few meetings, but it met with a muted response. It is not clear whether A23C members actually desire an extension. Arab and Turkomen A23C members appear to believe they have the votes in the CoR to pass an elections law to their liking, and over Kurdish opposition. PRT engagements with Arab and Turkomen Provincial Council (PC) members show without exception that the two ethnic groups would like to see the A23C wrap up its work and pass the issue to the CoR. Kurdish leaders seem to still want to work through the A23C. It is doubtful, even if

an extension is requested, that the A23C will be able to reach a consensus with an additional few months. In seven months of work, the A23C has failed to even scratch the surface of the issues listed under Article 23.

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Comment: Avoiding a Dispute at the CoR; Reevaluating the UN Role  
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¶13. (C) CoR legislation forcibly dissolving the current Kirkuk PC and replacing councilors according to a quota system that does not reflect provincial demographics would be anathema to the Kurds and raise tensions in Kirkuk province. PRT has received numerous opinions from A23C members, Kirkuk PC members, and political leaders over the role of UNAMI in the Article 23 process. The majority of these contacts characterized the UN, somewhat critically, as silent observers during the Article 23 negotiations. There seems to be a genuine desire from the Iraqi side for a more robust role for the UN in the discussions over Article 23, including setting the agenda for meetings, keeping the committee members on task, and mediating during disputes. End comment.

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